

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Amcrest Global Holdings Limited)	Civil Action No.
Plaintiff,)	
v.)	JURY TRIAL DEMANDED
Bona Fide Masks Corp. and Ball Chain Manufacturing Co., Inc.		COPYRIGHT CASE
Defendants.)	

COMPLAINT

COMES NOW Plaintiff Amcrest Global Holdings Limited International, LLC (“Plaintiff Amcrest Global Holdings Limited”), and for its cause of action alleges as follows:

1. This is an action for copyright infringement in violation of the Copyright Act 17 U.S.C. § 101 et seq.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff Amcrest Global Holdings Limited is a limited liability company organized and existing under the laws of Ireland and having an address at Wilton Park House, Wilton Place, Dublin, Ireland. Amcrest Global Holdings Limited possesses all rights, title and interest in the copyright, including the right to sue for infringement.

3. Upon information and belief, Defendant Bona Fide Masks Corp. is a corporation organized and existing under the laws of New York and having an address at 800 Westchester Avenue, Suite N-615, Rye Brook, NY, United States, 10573.

4. Upon information and belief, Defendant Ball Chain Manufacturing Co., Inc. is a corporation organized and existing under the laws of New York and having an address at 741 South Fulton Avenue, Mount Vernon, NY, United States, 10550

5. This is an action arising under the copyright laws of the United States, 17 U.S.C. § 101 et seq.

6. Jurisdiction over this action is conferred upon this Court by 28 U.S.C. §§1331, 1332, and 1338(a).

7. Defendant Bona Fide Masks Corp., having maintained minimum contacts with this forum, is subject to the personal jurisdiction of this Court. Upon information and belief, Defendant Bona Fide Masks Corp. maintains systematic and continuous contacts with the State of Texas, providing products and services to customers within this judicial district. Upon information and belief, Defendant Bona Fide Masks Corp. has assembled products, methods, and services which are used, offered for sale, sold, and have been purchased in Texas, including in this judicial district. Upon information and belief, Defendant Bona Fide Masks Corp. has partnered with customers like local delivery services, and other partners, including partners within this judicial district, to deliver these mask products, methods, and services to customers within this judicial district. Moreover, Defendant Bona Fide Masks Corp. has committed acts of infringement or induced or contributed others to commit acts of infringement in this judicial district. The exercise of jurisdiction over Defendant Bona Fide Masks Corp. would not offend traditional notions of fair play and substantial justice.

8. Defendant Ball Chain Manufacturing Co., Inc., having maintained minimum contacts with this forum, is subject to the personal jurisdiction of this Court. Upon information and belief, Defendant Ball Chain Manufacturing Co., Inc., Inc. maintains systematic and continuous contacts with the State of Texas, providing products and services to customers within this judicial district. Upon information and belief, Defendant Ball Chain Manufacturing Co., Inc. has assembled products, methods, and services which are used, offered for sale, sold, and have been purchased in Texas, including in this judicial district. Upon information and belief, Defendant Ball Chain Manufacturing Co., Inc. has partnered with customers like local delivery services, and other partners, including partners within this judicial district, to deliver these mask products, methods, and services to customers within this judicial district. Moreover, Defendant Ball Chain Manufacturing Co., Inc. has committed acts of infringement or induced or contributed others to commit acts of infringement in this judicial district. The exercise of jurisdiction over Defendant Ball Chain Manufacturing Co., Inc. would not offend traditional notions of fair play and substantial justice.

9. Nationwide injunctive relief is authorized by 17 U.S.C. § 502(a).

10. Venue is proper in this Court under 28 U.S.C. § 1391 because a substantial part of the events giving rise to these claims occurred in this district. Defendants have conducted business in this district and, on information and belief, committed acts of infringement here.

GENERAL ALLEGATIONS

11. Plaintiff Amcrest Global Holdings Limited repeats and incorporates the allegations contained in the preceding paragraphs.

12. On February 20, 2021 the U. S. Copyright Office issued certificate of Registration Reg. No. VA0002238127 titled “3D Rendition of Respirator Mask” to Plaintiff Amcrest Global Holdings Limited for the work shown below. The registration certificate is attached as Exhibit 1.



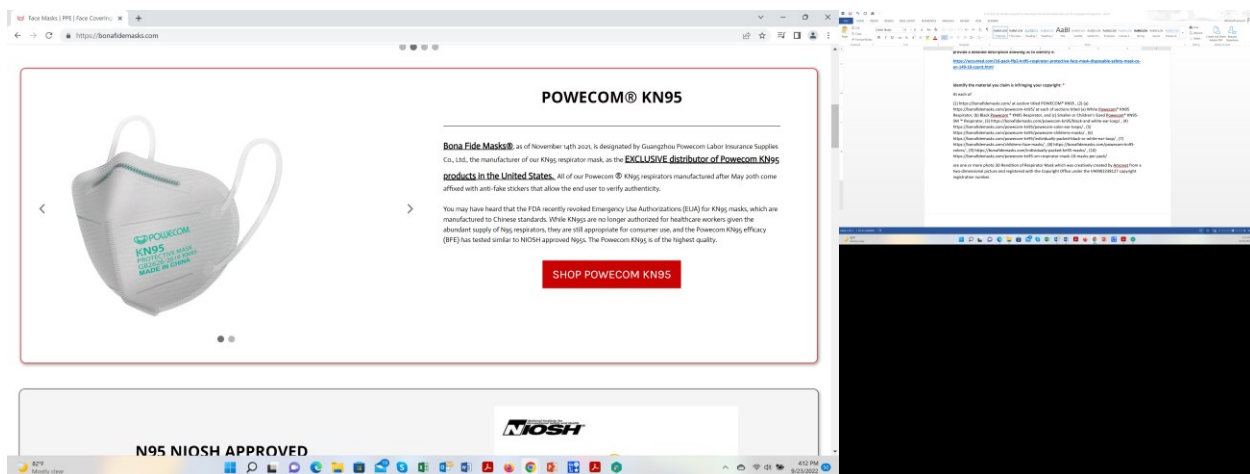
13. The Copyrighted Design depicts graphical displays for a 3D Rendition of Respirator Mask. Basically the creators sought to create a perfect rendering of the same product. They first imagined what the mask would look like on the human face. Then they decided on an angle to show the product and its label. They created the shape of the product by looking at a two-dimensional reference view at two angles, left and right. Then they added shadows and reflections. After getting the raw 3D view they worked on the details. They created rough spots with Adobe Illustrator to keep the ultrasonic weld details consistent. Then they made it look realistic using the Photoshop Bevel tool. They created the color difference on the adjustable metal nosepiece using the Photoshop Feather tool. They hid the earloop attachment to highlight the product. As with the other ultrasonic weld details, they collaborated here. Finally, after adjusting the lights, they completed the process. The reference image provides a two-

dimensional view at two angles, left and right. The image they created is 3D and facing 45 degrees to the left. They added shadows and reflections. They created more prominent and larger ultrasonic sources. They hid the earloops.

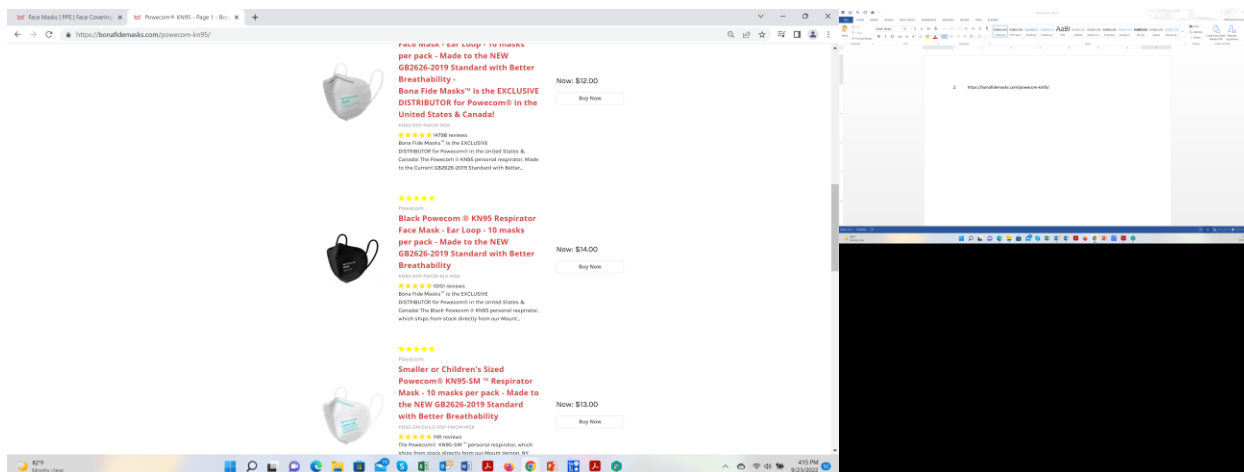
14. Defendants sell masks and other related products.

15. On information and belief, without a license, Defendants have or are reproducing and distributing copies of the Copyrighted Designs and/or derivative works based on the Copyrighted Designs. Examples of the infringing designs are shown below.

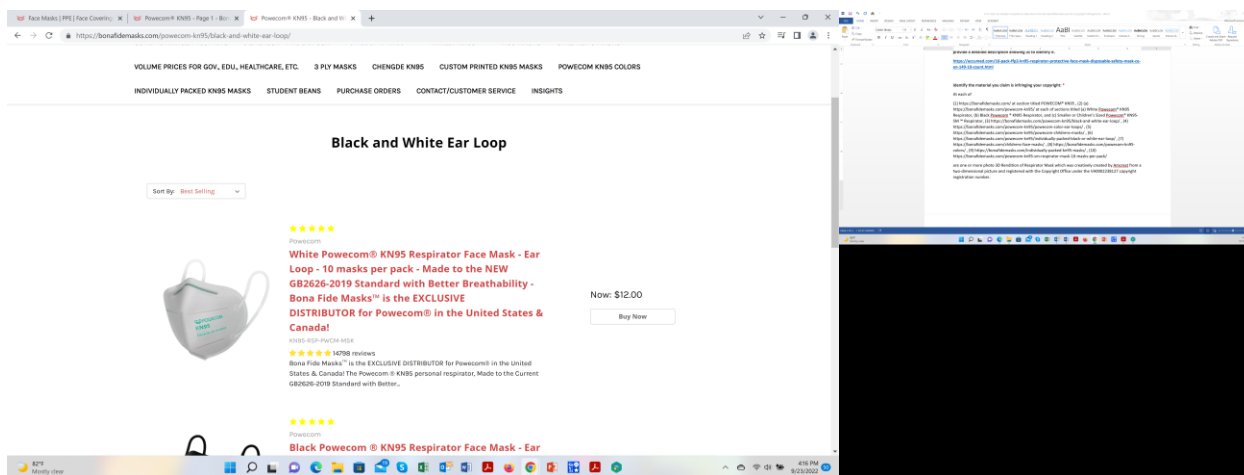
1. <https://bonafidemasks.com/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1.



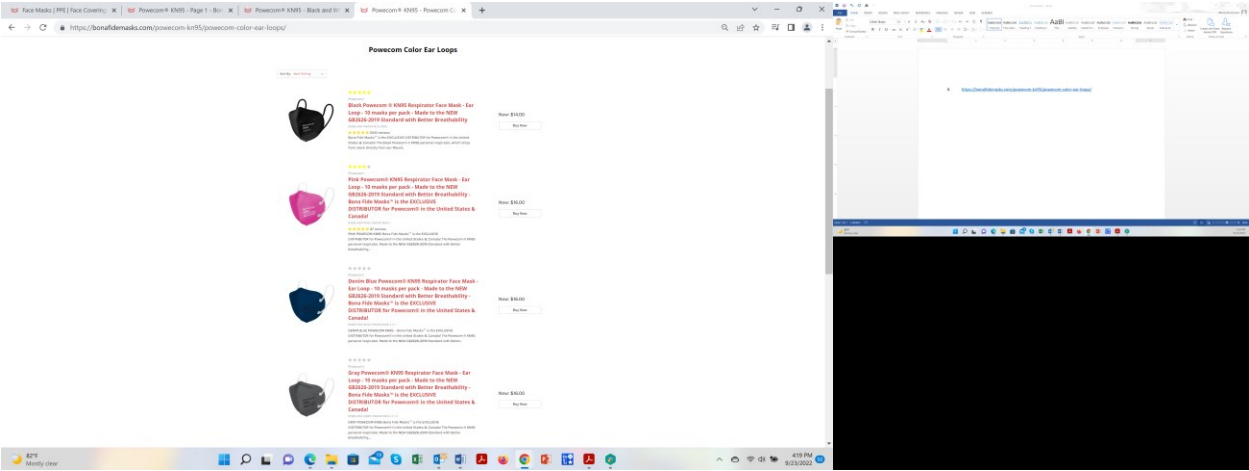
2. <https://bonafidemasks.com/powecom-qn95/> Screen shot taken October 25, 2022. See Exhibit 2 - - 2.



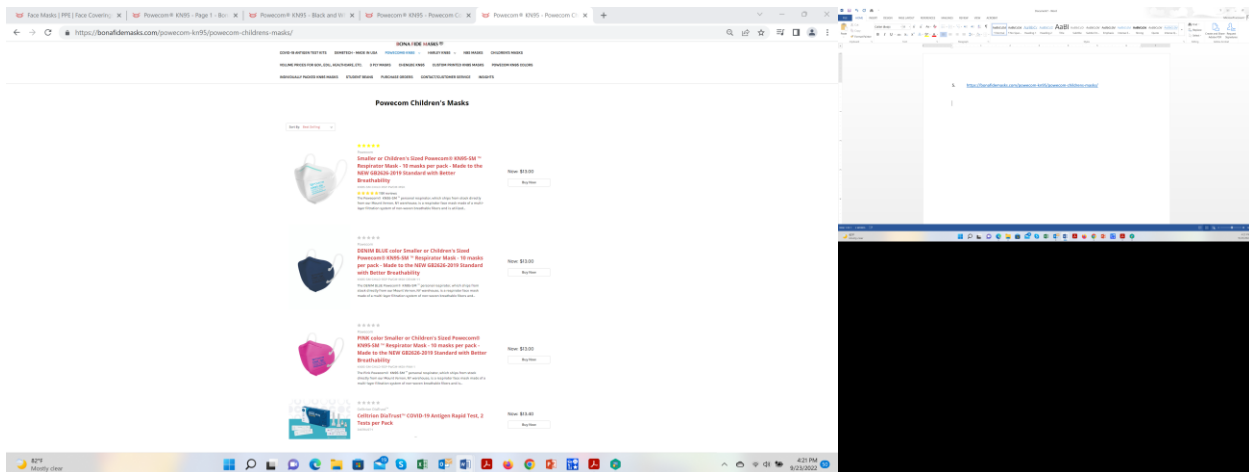
3. <https://bonafidemasks.com/powecom-kn95/black-and-white-ear-loop/> Screen shot taken October 25, 2022. See Exhibit 2 - - 3.



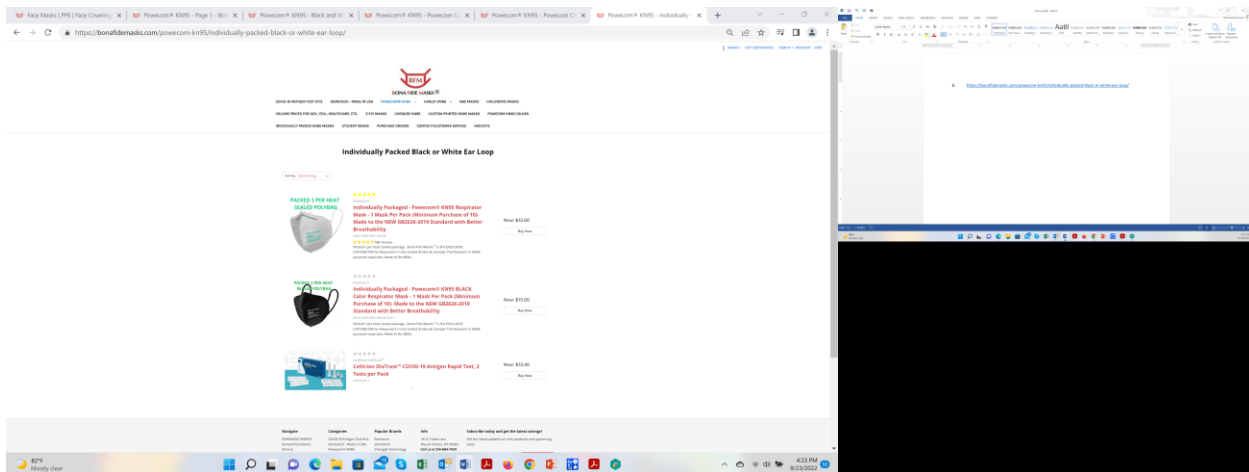
4. <https://bonafidemasks.com/powecom-kn95/powecom-color-ear-loops/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1



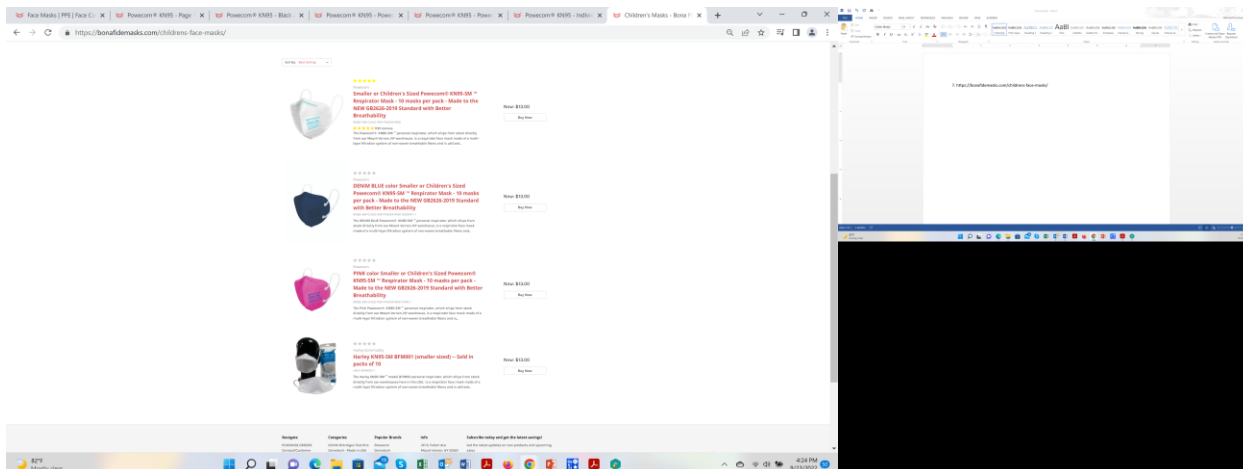
5. <https://bonafidemasks.com/powecom-kn95/powecom-childrens-masks/> Screen shot taken October 25, 2022 . See Exhibit 2 - - 1.



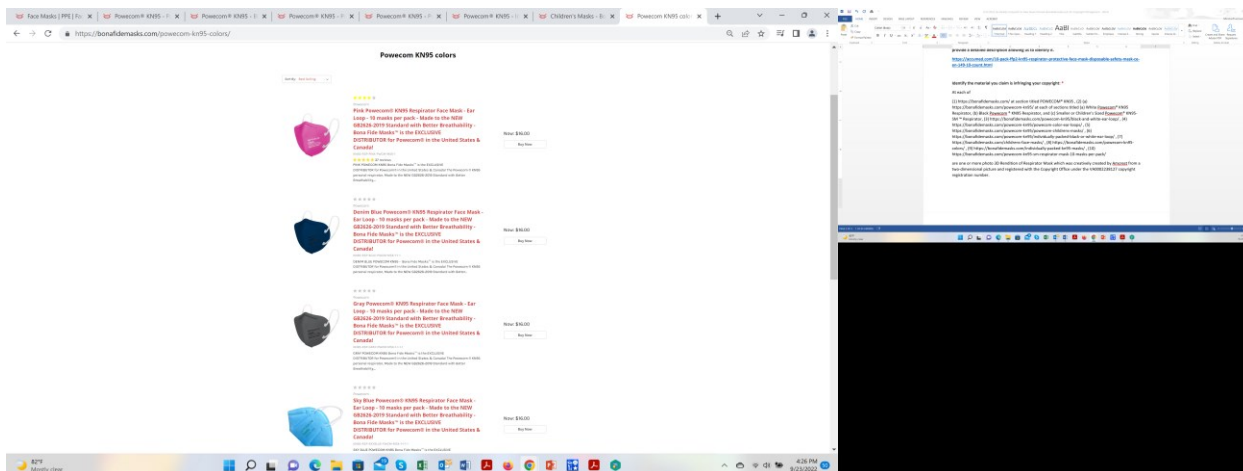
6. <https://bonafidemasks.com/powecom-kn95/individually-packed-black-or-white-ear-loop/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1.



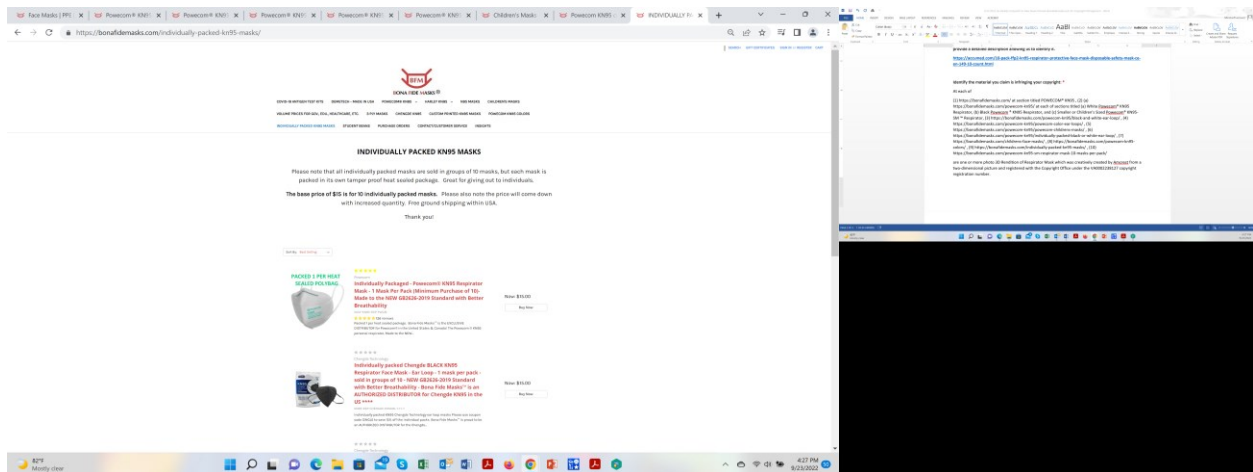
7. <https://bonafidemasks.com/childrens-face-masks/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1.



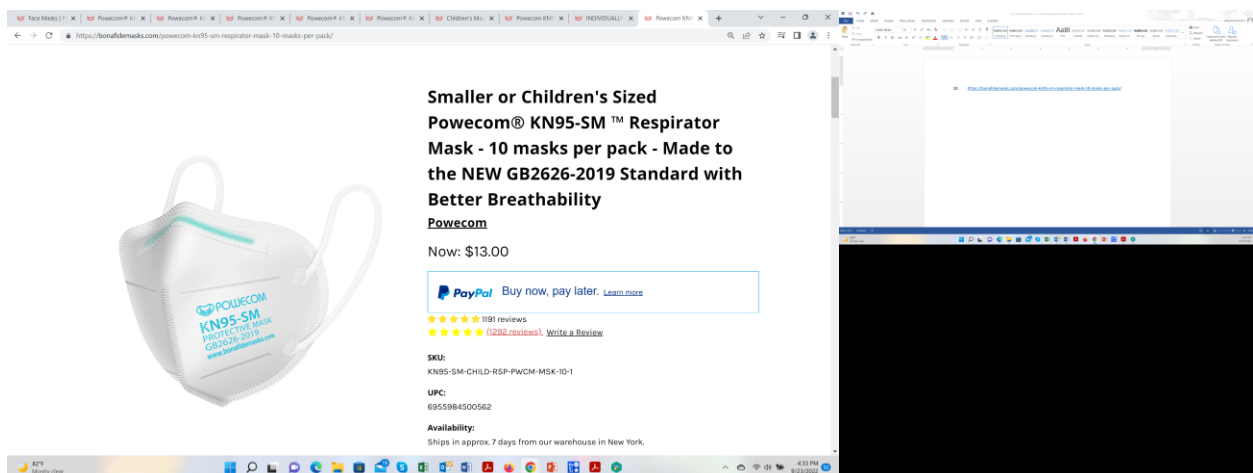
8. <https://bonafidemasks.com/powecom-kn95-colors/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1.



9. <https://bonafidemasks.com/individually-packed-kn95-masks/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1.



10. <https://bonafidemasks.com/powecom-kn95-sm-respirator-mask-10-masks-per-pack/> Screen shot taken October 25, 2022. See Exhibit 2 - - 1.



16. On information and belief, without a license, Defendants are reproducing and distributing copies of the Copyrighted Designs and/or derivative works based on the Copyrighted Designs in other places.

<https://www.nytimes.com/wirecutter/reviews/where-to-buy-n95-kn95-masks-online/> Screen shot taken October 31, 2022. See Exhibit 3 - - 1.



<https://www.usatoday.com/story/money/reviewed/2022/01/20/how-find-real-n-95-kn-95-mask-and-avoid-fake-ones/6579066001/> Screen shot taken October 31, 2022. See Exhibit 3 - - 2.

How to tell if a KN95 mask is counterfeit



<https://www.parents.com/health/kn95-masks-for-kids/> Screen shot taken October 31, 2022.
See Exhibit 3 - - 2.



17. On October 25, 2022, Plaintiff Amcrest Global Holdings Limited filed an Abuse Report with Big Commerce, Case No. 05708218 reporting the abuse by the Defendants.

18. To date, the unauthorized uses by Defendants have not been resolved.

COUNT I – COPYRIGHT INFRINGEMENT Reg. No. VA0002238127

19. Plaintiff Amcrest Global Holdings Limited repeats and incorporates the allegations contained in the preceding paragraphs.

20. Plaintiff Amcrest Global Holdings Limited is the sole owner of all right, title and interest in and to the VA0002238127 titled “3D Rendition of Respirator Mask”.

21. Defendants are not authorized to reproduce, advertise, distribute, sell, exhibit or otherwise use the VA0002238127 titled “3D Rendition of Respirator Mask”.

22. On information and belief, Defendants have copied and prepared derivative works based upon Plaintiff Amcrest Global Holdings Limited’s VA0002238127 titled “3D Rendition of

Respirator Mask” Copyrighted Design, and have used the VA0002238127 titled “3D Rendition of Respirator Mask” Copyrighted Design and/or derivative works in its products.

23. On information and belief, Defendants have sold, offered for sale and/or distributed copies of the VA0002238127 titled “3D Rendition of Respirator Mask” Copyrighted Design and/or derivative works based upon the VA0002238127 titled “3D Rendition of Respirator Mask”.

24. Defendants’ conduct has infringed on Plaintiff Amcrest Global Holdings Limited’s rights in the VA0002238127 titled “3D Rendition of Respirator Mask”.

25. Defendants’ acts are willful, intentional and wanton acts of infringement.

26. Unless enjoined by order of this Court, Defendants will continue to infringe the VA0002238127 titled “3D Rendition of Respirator Mask” Copyrighted Design irreparably harming Plaintiff Amcrest Global Holdings Limited. Plaintiff Amcrest Global Holdings Limited is without an adequate remedy at law. Plaintiff Amcrest Global Holdings Limited is entitled to injunctive relief restraining Defendants from engaging in further acts of copyright infringement.

27. By reason of Defendants’ aforesaid infringement of the VA0002238127 titled “3D Rendition of Respirator Mask” Copyrighted Design, Plaintiff Amcrest Global Holdings Limited has sustained and will continue to sustain substantial damages.

28. Plaintiff Amcrest Global Holdings Limited is further entitled to recover from Defendants the damages sustained by Plaintiff Amcrest Global Holdings Limited as a result of Defendants’ acts of copyright infringement as herein alleged. Plaintiff Amcrest Global Holdings Limited is unable to ascertain at present the full extent of the monetary damages suffered by reason of Defendants aforesaid acts of copyright infringement.

29. Plaintiff Amcrest Global Holdings Limited is further entitled to recover from Defendants the profits Defendants have obtained as a result of its acts of copyright infringement.

30. Plaintiff Amcrest Global Holdings Limited is, alternatively, entitled to recover from Defendants statutory damages in an amount up to \$150,000 per work that has been infringed.

RELIEF REQUESTED

WHEREFORE, Plaintiff Amcrest Global Holdings Limited prays for judgment against Defendants as follows:

- A. For a preliminary and permanent injunction enjoining Defendants and any associated officers, agents, servants, employees, attorneys, and all persons in active concert or participation with each or any of them, from committing, aiding, encouraging, enabling, inducing, causing, materially contributing to, or otherwise facilitating the unauthorized reproduction or distribution of copies and/or derivatives of Plaintiff Amcrest Global Holdings Limited's copyrighted works;
- B. For all damages to which Plaintiff Amcrest Global Holdings Limited is entitled, including Defendants' profits and Plaintiff Amcrest Global Holdings Limited's lost profits;
- C. Alternatively, at Plaintiff Amcrest Global Holdings Limited's election, for statutory damages in the maximum amount allowed by law;
- D. That Defendants be held jointly and severally liable on all counts;
- E. For prejudgment interest according to law;
- F. For Plaintiff Amcrest Global Holdings Limited's attorneys' fees, and full costs and disbursements in this action; and
- G. For such other and further relief as the Court may deem proper and just.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable in this matter.

DESIGNATION OF PLACE OF TRIAL

Plaintiff designates Houston, Texas for place of trial.

Date: October 31, 2022

Respectfully Submitted,
/s/ /Paul R. Juhasz/
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